



RICHARD J. CODEY
Acting Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Chiropractic Examiners
124 Halsey Street, 6th Floor, Newark, NJ 07102



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By Certified and Regular Mail

Philip DiPasquale, D.C.
860 Meadow Lane
Franklin Lakes, NJ 07417-1112

FILED

JUN 02 2005

NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

Re: Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint

Dear Dr. DiPasquale:

This letter is to advise you that the New Jersey State Board of Chiropractic Examiners (the "Board") has had an opportunity to review information concerning your care and treatment of patient S.M. It appears from that review that you unlawfully sold, dispensed and derived financial benefit from the sale of nutritional supplements to S.M.

At this juncture, the Board has preliminarily concluded that probable cause exists to support a finding that you have violated N.J.S.A. 45:1-21 (e) and (h), by engaging in professional misconduct and violations of a Board regulation; specifically, by violating N.J.A.C. 13:44E-1.1 (d) by selling and dispensing nutritional supplements from your practice. In addition, the Board has preliminarily concluded that probable cause exists to support a finding that you have violated N.J.S.A. 45:9-14.5, by using the abbreviation "Dr." in your advertising without it being qualified by the word "chiropractor."

The above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of formal disciplinary proceedings, should you consent to:

1. cease and desist from selling, dispensing or deriving any financial benefit from the sale of vitamins, food products or nutritional supplements, incidental to your chiropractic practice;
2. the issuance of a formal reprimand;
3. pay a penalty in the amount of \$5,000.00 (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter);
4. fully attend, successfully complete and unconditionally pass the ProBE (Professional Problem Based Ethics) course offered by The Ethics Group, 89 Summit Avenue, Suite 185, Summit, New Jersey 07901, or the PRIME (Professional Renewal in Medicine through Ethics) course offered by the Center for Continuing Education in the Health Professions at UMDNJ-Robert Wood Johnson Medical School, 97 Paterson Street, Room 124, New Brunswick, New Jersey 08903, and provide documentation of the full and unconditional completion of the course to the Board; and

5.

pay costs incurred by the Board in the amount of \$1,275.50.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than those herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay the additional costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General John D. Hugelmeyer, who may be reached at (973) 693-5056.

If you elect to settle this matter now you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

NEW JERSEY STATE BOARD
CHIROPRACTIC EXAMINERS

By: Joanne Boyer
Joanne Boyer,
Acting Executive Director

ACKNOWLEDGMENT: I, Philip DiPasquale, D.C., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the amount of \$5,000.00 plus costs (to be paid upon signing of this acknowledgment), and to comply with all other requirements set forth in the settlement letter.

Philip DiPasquale 4/1/05
Philip DiPasquale, D.C.

Dated:

cc: John D. Hugelmeyer, Deputy Attorney General
Michael F. Lynch, Esq.